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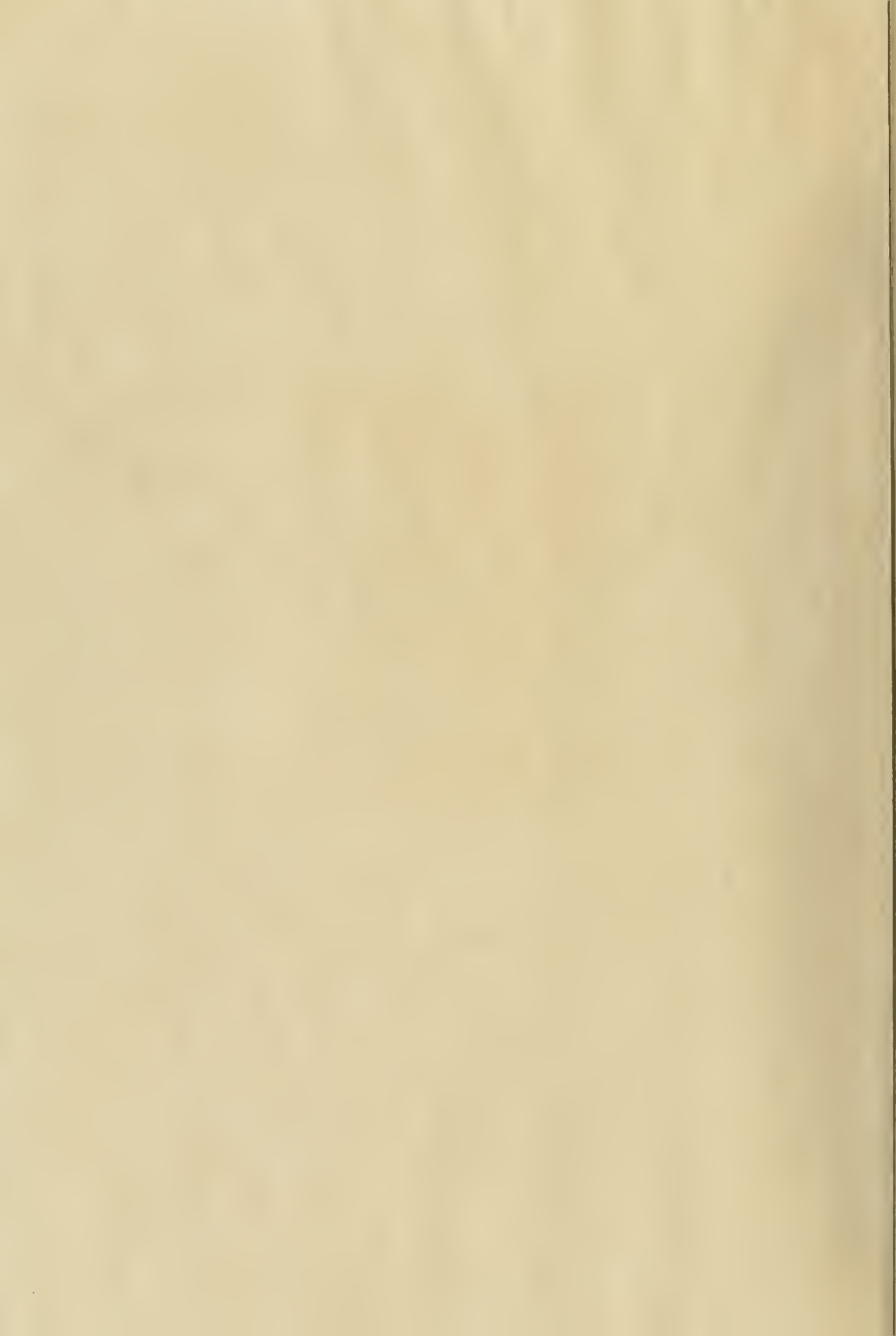
Lockheed Aircraft
Corperation



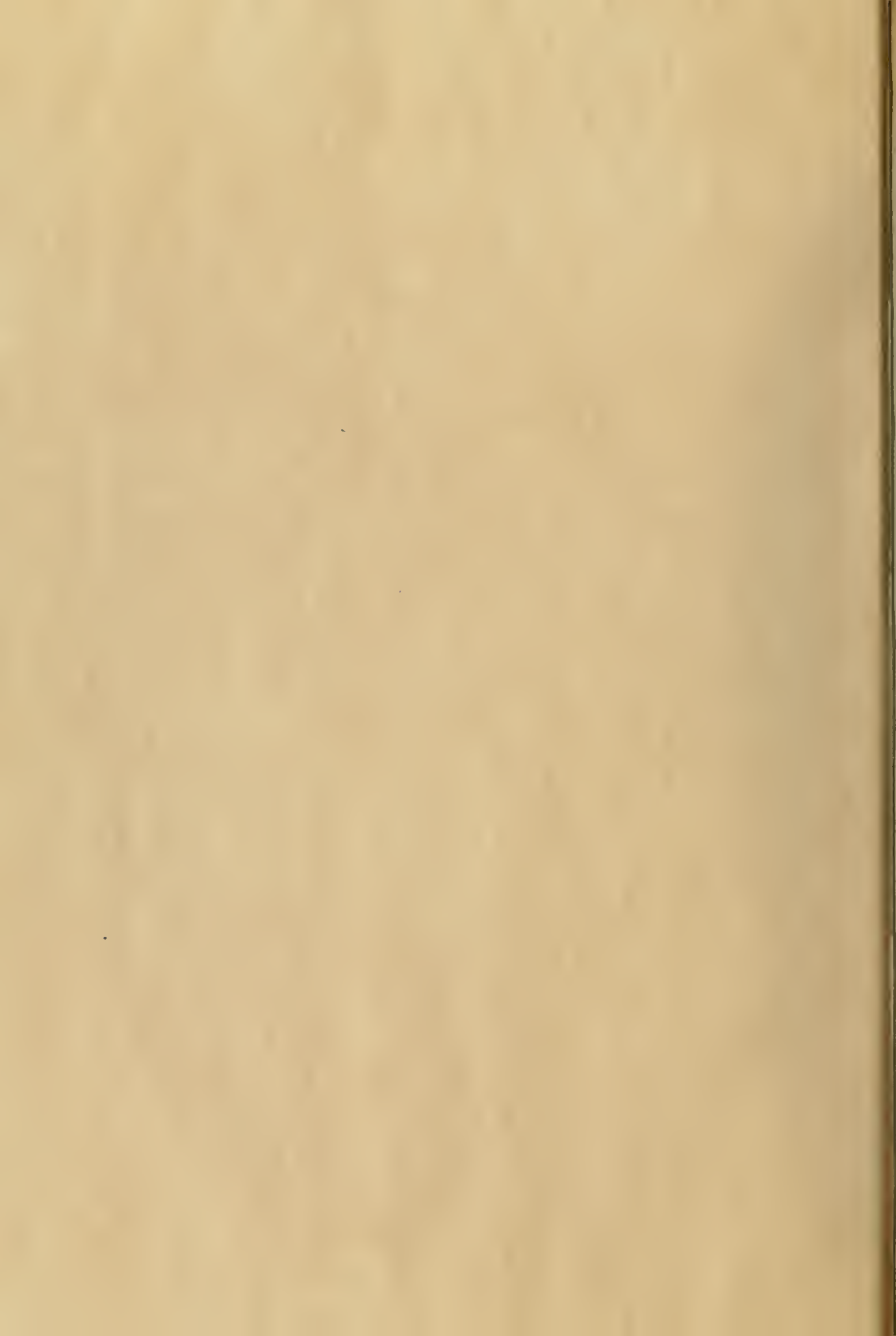
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A N
A C T,

FOR THE MORE EASY AND SPEEDY

Recovery of SMALL DEBTS,

WITHIN

The City of *Rochester*, and the Parishes of *Strood*,
Frindsbury, *Cobham*, *Shorne*, *Higham*, *Cliffe*,
Cooling, *High Halstow*, *Chalk*, *Hoo*, *Burham*,
Wouldham, *Halling*, *Cuxstone*, *Chatbam*, and *Gil-*
lingham, and the Ville of *Sheernefs*, in the County
of KENT.

✚ This Act was solicited and obtained at the sole Expence
of the Mayor and Citizens of *Rochester*, in the Year of
our Lord One Thousand Seven Hundred and Eighty-
Two; and in the Twenty-second Year of the Reign of his
present Majesty, King GEORGE the Third.

GEORGE FINCH HATTON, Esq; } *Representatives.*
ROBERT GREGORY, Esq;

SAMUEL NICHOLSON, Esq; *Mayor.*

JOSEPH BROOKE, Esq; *Recorder.*

Aldermen.

JOHN SPARKS, Senr.
RICHARD PORDAGE,
JOHN PARSONS,
EDWARD DYNE,
THOMAS BAKER,

JOHN TAYLOR.
FRANCIS STARKE,
WILLIAM SPICE,
WILLIAM FRUIN,
JOHN FORD.

GEORGE GATES, Gent. *Town Clerk.*

Common-council Men.

JOHN SPARKS, Junr.
THOMAS FISHER,
THOMAS HULKES,
THOMAS STEVENS,
THOMAS AYRES,

RICHARD THOMPSON,
JOHN PLUCKWELL,
EASON HARRISON,
WILLIAM ROBINSON,
JOHN WHITE.



A N

A C T

F O R

The more Easy and Speedy Recovery of Small Debts, within the City of *Rocheſter*, and the Pariſhes of *Strood*, *Frindsbury*, *Cobham*, *Shorne*, *Higham*, *Cliffe*, *Cooling*, *High Halſtow*, *Chalk*, *Hoo*, *Burham*, *Wouldham*, *Halling*, *Cuxſtone*, *Chatham*, and *Gillingham*, and the Ville of *Sheerneſs*, in the County of *KENT*.

 **W**HEREAS the City of *Rocheſter*, and the Pariſhes of *Strood*, *Frindsbury*, *Cobham*, *Shorne*, *Higham*, *Cliffe*, *Cooling*, *High Halſtow*, *Chalk*, *Hoo*, *Burham*, *Wouldham*, *Halling*, *Cuxſtone*, *Chatham*, and *Gillingham*, and the Ville of *Sheerneſs* in the County of *KENT*, are very populous; and ſeveral Branches of Trade are carried on within the Limits thereof, in which a great Number of Perſons are employed, many of whom contract ſmall Debts: And although they are well able to pay the ſame, they frequently reſuſe ſo to do; preſuming, on the Diſcouragement their Creditors lie under, from the great Expence they are unavoidably put to, in ſuing for, and recovering ſuch Debts in the Courts of Law.

Preamble.

A

And

And whereas it would tend to promote Industry, and to support useful Credit within the said City, Parishes, and Ville, if an easy and speedy Method was established, for the Recovery of small Debts, contracted within the Limits thereof :

May it therefore please Your MAJESTY,

Commission-
ers.

That it may be Enacted, And be it Enacted, by the KING's Most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled ; and by the Authority of the same, That *the Mayor, Recorder, Aldermen, and Assistants of the said City for the time being* : And also, the several Persons herein after named ; that is to say, *the Reverend Charles Allen, Aaron Waddup, William Mercedith, Robert Daniel, and Curtis Payne*, being Inhabitants, Housholders, and Resident within the Parish of Saint Nicholas in the said City ; and *Richard Boghurst, John Matthews, Samuel Durham, John Gardner, and Francis Smith Patten*, being Inhabitants, Housholders, and Resident, within the Parish of Saint Margaret, in the said City ; and *John Boghurst, John Alexander, Robert Alexander, Thomas Whiffin, and John Mac Cowan*, being Inhabitants, Housholders, and Resident, within the said Parish of *Stroud* ; and *the Reverend Robert Fountaine, George Gunning, Philip Boghurst, the younger, and John Curling*, being Inhabitants, Housholders, and Resident, within the said Parish of *Irindsbury* ; and *William Story, esquire, William Jones, John Cazencuve, George Kirby, William Witheridge, William Newell, John Croucher, Charles Townson, Thomas Waring, John Irwin, the elder, William Cooper, and John Nicholson*, being Inhabitants, Housholders, and Resident within the said Parish of *Chatham* ; and *William Dann, John Pix, Slew Saunders, John Summerset, Richard Edgecumbe, Joseph Drawbridge, Francis Robert Smith, and William Tapley*, being Inhabitants, Housholders, and Resident within the said Parish of *Gillingham* ; and their Successors, to be elected in manner herein after-mentioned, are hereby appointed Commissioners to hear, and finally determine all Causes for the Recovery of all Debts, contracted within the said City of *Rocheſter*, and the several Parishes, and the Ville before-mentioned, above the Sum of Two Shillings, and under the Sum of Forty Shillings : And the said Commissioners shall be, and are hereby constituted a Court of Justice, by the Name and Style of, "The Court of Requests in the City of *Rocheſter* : " And if any Person herein before appointed a Commissioner (except the Mayor, Recorder, Aldermen, and Assistants, of the said City) or any Person, who shall hereafter be chosen, and appointed a Commissioner, in pursuance of this Act, shall die, or be chosen one of the Assistants of the said City of *Rocheſter*, or shall cease to be a Housholder, or remove out of the Parish wherein he resided, at the Time of his being appointed or chosen a Commissioner as aforesaid, or shall refuse or neglect to act as a Commissioner for the Space of one whole Year ; that then, and in every such Case, the Inhabitants of the Parish for which such Commissioner was first appointed, assembled at the Vestry to be holden for such Parish in the *Easter* Week then next following, for the Purpose of appointing Church-wardens and Overseers of the Poor, shall chuse and appoint another fit and proper Person, being an Inhabitant, Housholder, and Resident within the same

Style of the
Court.

New Com-
missioners to
be appointed

same Parish, to be a Commissioner in the Room and Stead of the Commissioner dying, being chosen one of the Assistants of the said City of Rochester, ceasing to be a Householder, or removing out of the Parish, or refusing or neglecting to act as aforesaid: And every such Appointment shall, by Writing, under the Hands of the Churchwardens and Overseers of the Poor of such Parish, present at the Time of chusing and appointing such Commissioner, be certified to the said Commissioners at their then next Court to be holden in pursuance of this Act: But in case no such Election shall be made, or no such Certificate thereof shall be produced to the said Commissioners as aforesaid; that then the said Commissioners, or any three or more of them, are hereby authorized and required to appoint another fit and proper Person, being an Inhabitant, Householder, and Resident within the Parish, in which the Person whom he shall succeed, shall, at the Time of his Appointment have resided: And every Person who shall be appointed a Commissioner by the Vestry as aforesaid; and whose Appointment shall be certified by the said Churchwardens and Overseers as aforesaid: And also every Person who shall be appointed by the said Commissioners, or any three or more of them, in pursuance of this Act, shall have the same Power and Authority in all respects, to act in the Execution of this Act, as if he had been originally named and appointed a Commissioner in and by this Act.

Provided always; and be it further Enacted, That no Person (except the Mayor, Recorder, Aldermen, and Assistants, of the said City) shall act as a Commissioner in the Execution of this Act, unless at the Time of his acting he shall be an Inhabitant, Householder, and Resident within the said City, or the several Parishes of Saint Nicholas, Saint Margaret, Strood, Frindsbury, Chatham, and Gillingham, aforesaid, and shall be in the actual Possession and Enjoyment of a real Estate of the clear yearly Value of Thirty Pounds, above Reprizes, or shall be possessed of a personal Estate, to the Amount or Value of Five Hundred Pounds: And, that no Person whosoever shall act as a Commissioner in the Execution of this Act, until he shall have first taken an Oath, to the following Effect.

I A. B. do swear, that I will impartially and honestly, according to the best of my Judgment, hear and determine all such Matters and Causes as shall be brought before me, as a Commissioner, by virtue of an Act of Parliament, made in the Twenty-second Year of the Reign of King GEORGE the Third, for the more easy and speedy Recovery of small Debts, within the City of Rochester, and the Parishes of Strood, Frindsbury, Cobham, Shorne, Higham, Cliffe, Cooling, High Halstow, Chalk, Hoo, Burham, Wouldham, Halling, Cuxitone, Chatham, and Gillingham, and the Ville of Sheerness, in the County of Kent, without Favour or Affection to any of the Parties.

So help me GOD:

Which

Which Oath, the Clerk, or Deputy Clerk to the said Court, or any one of the said Commissioners, is hereby impowered to administer in open Court; and a Memorial thereof shall be entered by the said Clerk, or Deputy Clerk, in the Register of the said Court, to be provided and kept as herein after-mentioned: And if any Person, not being qualified as aforesaid, shall nevertheless presume to act as a Commissioner in the Execution of this Act: Every such Person shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds to any Person, who shall sue for the same in any of his MAJESTY'S Courts of Record; wherein no Essoin, Protection, Wager of Law, or more than one Imparlance, shall be allowed: And the Person prosecuted, shall prove, that he is qualified as aforesaid; or otherwise shall pay the said Penalty without any other Proof, on the Part of the Prosecutor, than that such Person hath acted as a Commissioner in the Execution of this Act.

Commission-
ers to hold
Courts.

And be it further Enacted, That the said Commissioners, or any three or more of them, shall, and are hereby impowered and required to assemble, sit, and hold the said Court, in the Guildhall of the said City of *Rochester*, upon *Friday*, the tenth Day of *May*, One Thousand Seven Hundred and Eighty Two, and also to assemble, sit, and hold the said Court (in the said Guildhall, or in such other Place within the said City, to which they shall, from Time to Time, think proper, to adjourn the same) upon the second *Friday* in every Month, then after for ever. And the said Commissioners, or any three or more of them, are hereby authorized and impowered to hear, and finally determine all Causes for the Recovery of Debts, contracted within the said City, Parishes, and Ville, as shall be under the Sum of Forty Shillings, and above the Sum of Two Shillings, and to make such Orders and Decrees, and pronounce such Judgments, and to award Execution thereupon, with Costs, against the Body or Bodies, or against the Goods and Chattels of all Persons against whom they shall make such Orders and Decrees, as to the said Commissioners, or any three or more of them, shall appear just in Law, Equity, and good Conscience.

Commission-
ers to hold
special Quar-
terly Meet-
ings.

And be it further Enacted, That the said Commissioners, or any twenty three or more of them, shall, and are hereby authorized and required to hold four special Meetings in every Year, at the Guildhall of the said City, upon the first *Wednesday* after *Midsummer Day*; the first *Tuesday* after *Michadmas Day*; the first *Tuesday* after *Christmas Day*; and the first *Tuesday* after *Lady Day*; the first of which Meetings shall be holden upon the first *Wednesday* after *Midsummer Day*, One Thousand Seven Hundred and Eighty Two. And the said Commissioners, or any twenty three or more of them, may from Time to Time, adjourn any of their said special Meetings to such Place, within the said City, and for such Time (not exceeding fourteen Days) as they shall think proper. And it shall be lawful for the said Commissioners, or any twenty-three or more of them, at such respective Quarterly Meetings or Adjournment thereof, within the said City, to make such Orders, Rules, and Regulations, as they shall think proper, for the better Regulating of their Proceedings in the Execution of this Act; **Provided** all such Orders, Rules, and Regulations be conformable to the Directions, true Intent, and Meaning of this Act; and so as the same do not extend to the

Commission-
ers may make
Rules and
Orders, for
regulating
their Pro-
ceedings.

the increasing or lessening of any of the Fees hereinafter authorized to be taken. And that in Case it shall happen at any Monthly Court, or at any of the Quarterly Meetings of the said Commissioners, that the Commissioners present shall be equally divided upon any Question, that then the casting Vote shall be given by the Mayor of the said City, in Case he shall be present; or in Case the Mayor shall not be present, then by the Recorder of the said City; or in Case the Recorder shall not be present, then by the senior Alderman of the said City, who shall be present; or in Case none of the said Aldermen shall be present, then by the senior Assistant of the said City, who shall be present; or in Case none of the said Assistants shall be present, then by such of the said Commissioners, whose Name shall stand first in the List of the Commissioners to be put up in the said Court, as hereinafter mentioned; and in Case no Commissioner, whose Name shall stand in such List shall be present in the said Court, then by the senior Commissioner then present.

And be it further Enacted, That *George Gates*, Gentleman, the present Town Clerk, being an Inhabitant, Householder, and Resident within the said City, shall be, and is hereby constituted and appointed Clerk of the said Court; and that *Richard Mizzen*, and *Isaac Mizzen*, (being Inhabitants of the said City) shall be, and are hereby constituted and appointed Serjeants of the said Court; and that the said Clerk and Serjeants shall continue in such their respective Offices, during their good Behaviour; and the said Commissioners, or any three or more of them, shall, and may at their first, or any subsequent Court, appoint some proper Person (being an Inhabitant of the said City) to be the Deputy Clerk of the said Court, in order to execute the Office of Clerk at such Times as the Clerk shall, by Sickness or otherwise, be prevented from attending the said Court. And that as often as the Office of Clerk, Deputy Clerk, or Serjeant, shall become vacant, by the Death or Resignation, or by the Removal out of the said City, of any such Officer, the said Commissioners, or any three or more of them, shall, and are hereby authorized and required, at their first or second Court then next, to appoint another Officer of the said Court, (being qualified in the same Manner as such Officer so dying, resigning, or removing out of the said City) in the Room of such Person as shall die, resign, or remove out of the said City.

Provided always, That such Deputy Clerk of the said Court shall not be appointed, but by the Approbation and Consent of the Clerk of the said Court, for the Time being, provided he shall assign sufficient Reasons to the Satisfaction of the said Commissioners, or any three or more of them, against any such Appointment: But if no Reasons shall be assigned, to the Satisfaction of the said Commissioners, or any three or more of them; then they shall and may, if they think proper, appoint such Deputy Clerk, without the Approbation or Consent of the Clerk of the said Court, for the Time being.

And be it further Enacted, That if Complaint shall be made to the said Commissioners, or any three or more of them, at any of their said Courts, that any of their said Serjeants or Clerks have committed any Misbehaviour, then the said Courts may suspend such Serjeants or Clerks for the next Monthly Court.

Monthly Courts, of any Misbehaviour or Neglect of Duty, of either of the Serjeants to the said Court; then the said Commissioners, or any three or more of them shall, and may at the same, or any subsequent Court, examine into such Complaint, upon the Oath of any credible Witnesses; and, may, if they shall think proper, suspend such Serjeant from his said Office, and appoint a proper Person (being an Inhabitant of the said City) to execute the said Office in the Room of the Person so suspended, until the next Quarterly Meeting of the said Commissioners, to be holden as aforesaid.

Commissioners to hear & determine upon Complaints against their Officers, at special Meetings.

And be it further Enacted, That in Case Complaint shall be made to the said Commissioners, or any twenty-three or more of them, at any of their said Quarterly Meetings, of any Misbehaviour or Neglect of Duty of their Clerk, Deputy Clerk, or either of their Serjeants; that then the said Commissioners, or any twenty-three or more of them shall, and may, at such Meeting, examine into such Complaint, upon the Oath of any credible Witness, (which Oath the said Commissioners, or any three or more of them, are hereby empowered to administer) and shall and are hereby authorized and empowered, if they shall think proper to suspend or remove any such Officer from his said Office, and appoint a proper Person in his Stead: **Provided nevertheless,** that no Complaint against any of the said Officers (except such Serjeants as shall have been suspended by the Monthly Court as aforesaid) shall be heard at any Quarterly Meeting, unless fourteen Days Notice thereof, at the least, in Writing, signed by the Person or Persons, complaining, and specifying the Nature of the Complaint, shall have been given to, or left at the usual Place of Abode of the Person complained against.

List of the Commissioners to be put up in the Court.

And be it further enacted, That the said Clerk or Deputy Clerk shall, and is hereby required to make a true and fair List of all the Commissioners, herein before appointed, in the Order and Course in which they shall be directed to be made out by the Commissioners present, at the first Meeting of the said Court; and to affix such List upon some proper and conspicuous Place, within the said Court, on the first Day of holding such Court, and the same shall remain so affixed, until any new Commissioner or Commissioners shall be appointed as aforesaid. And that, from Time to Time, on the first Court-day next after any such new Commissioner or Commissioners shall be appointed, the said Clerk or Deputy Clerk, shall cause a true and fair List of the Commissioners, for the Time being, in the Course and Order in which they shall then stand, to be made and affixed in the said Court as aforesaid. And the said Clerk or Deputy Clerk, shall cause a true and fair Entry or Register of all Causes, Orders, Decrees, and Judgments, and other Acts and Proceedings of the said Court; and also of the Quarterly Meetings of the said Commissioners, to be made in a Book, to be provided and kept by the said Clerk, for that Purpose; and any Person, shall, at all seasonable Times, have free Liberty to peruse and inspect such Book, and to have or take Copies of the same.

And whereas, it would tend to the better and more easy Execution of this Act, if a certain Number of the said Commissioners were to be summoned

moned to attend the said Court, upon every Court Day: **Be it therefore Enacted,** That from and after the first Court shall have been holden in pursuance of this Act, eight of the said Commissioners shall, from Time to Time, be summoned to attend the said Court upon every Court Day, in Manner following; that is to say, the said Clerk or Deputy Clerk, shall, and is hereby required, from Time to Time, to summon eight of the said Commissioners, beginning with the eight first named, and so on in the Rotation and Course in which their Names shall stand upon the List to be made as aforesaid, which Summons shall be signed by the Clerk or Deputy Clerk, and left at the respective Houses of the eight Commissioners, who, according to the Rotation aforesaid, ought to attend at the next Court, by one of the Serjeants of the said Court, at least three Days previous to the Day of holding such Court.

Eight Commissioners to be summoned to attend upon every Court Day.

Provided always, That nothing herein contained shall extend to exclude or debar any of the said Commissioners for putting this Act in Execution, from sitting and giving Judgment in the said Court whenever they shall think fit to attend, although not summoned according to the Rotation before-mentioned. **Provided nevertheless,** that the said Clerk or Deputy Clerk shall, and is hereby required to summon, in Manner aforesaid, all the said Commissioners to attend such of the said Monthly Courts, at which any Officer of the said Court is to be chosen upon a Vacancy occasioned by Death, Resignation, or Removal of any such Officer as aforesaid; and also to attend the several Quarterly Meetings herein before directed, to be holden at least six Days previous to every such Court or Meeting; and in case it shall happen that upon any Court Day, or at any of the said Quarterly Meetings, a sufficient Number of the said Commissioners shall not attend; that then, and in every such Case, the Court or Meeting shall stand adjourned over to the next Day on which the said Court or Meeting is to be holden, according to the Directions before mentioned and contained.

Commissioners not summoned, may attend. All the Commissioners to be summoned to attend Monthly Meetings for choosing Officers, and quarterly Meetings. A sufficient Number not attending, the Court to be adjourned.

And be it further Enacted, That it shall be lawful for all Persons whomsoever, who now have, or hereafter shall have any Debt or Debts, not amounting to the Sum of Forty Shillings, and being upwards of Two Shillings, owing to them in their own Right, or as Executors, Administrators, Guardians, or Trustees, by or from any Person or Persons whomsoever, residing, inhabiting, or keeping any Shop, Shed, Stall, Stand, or seeking a Livelihood, or trading, or dealing, within the Limits of this Act, to apply to the Clerk or Deputy Clerk to the said Court, who shall make an Entry of the Cause in the Book, to be provided and kept for entering the Proceedings of the said Court, expressing the Names of the Parties, and the Sum demanded; and shall thereupon make out a Summons, under his Hand, directed to such Debtor or Debtors, expressing the Sum demanded, and on what Account or Consideration the same is due or demanded, and the Name or Names of the Party or Parties demanding the same, thereby requiring such Debtor or Debtors to appear before the Commissioners in the said Court, at the next or some subsequent Court, to answer the said Demand; and every such Summons shall be delivered to the Serjeant or Serjeants to the said Court, and shall forthwith be served by him or them, on such Debtor or Debtors, either personally, or by leaving the same at the Dwelling House or Place of Abode, Shop,

Mode of proceeding for Recovery of Debts upwards of Two Shillings, and under Forty Shillings.

Shop, Shed, Stall, Stand, or other Place of dealing, or working, of such Debtor or Debtors, within the Limits aforesaid, seven Days, at the least, before the Court is to be holden, at which such Debtor or Debtors is or are required to appear and answer such Demand. And the said Commissioners, or any three or more of them shall, and are hereby authorized and empowered (upon Proof made of the Service of such Summons) to make Enquiry concerning such Demands, and to pronounce and give such final Sentence or Judgment, and to make such interlocutory or final Orders and Decrees touching the same, and the Costs of Suit, as to them shall appear agreeable to Justice, Equity, and good Conscience.

To what
Debts this
Act shall not
extend.

Provided always, That nothing in this Act contained shall extend to any Debt for Rent, upon any Lease or Contract, where the Title of any Lands, Tenements, or Hereditaments, can or may come in Question, or in or upon any other real Contract, nor to any Debt that shall arise upon or by Reason of any Cause concerning any last Will and Testament, or matrimonial Contract, or the Breach thereof, or any Thing properly belonging to any ecclesiastical Court, nor to any Money won at, or by Means of any Horse-race, Cock-match, Wager, or any Kind of Gaming or Play, nor to any Forfeiture upon any Penal Statute or Bye-law, nor to any Debt, for the Payment whereof there shall not have been a Contract, Acknowledgment, Undertaking, or Promise, within six Years before the taking out of the Summons for the same, although such Debt shall not amount to Forty Shillings.

On Non-ap-
pearance of
the Defend-
ant, the
Commission-
ers to pro-
ceed *ex-
parte* the
Plaintiff.

And be it further enacted, That if any Debtor, who shall have been summoned as aforesaid, shall (without some good Cause to be assigned to the Satisfaction of the Commissioners assembled in Court, and to be allowed by them) refuse or neglect to appear in Person, or by any Friend, in the said Court, at the Time mentioned in the Summons; then it shall be lawful for the said Commissioners, or any three or more of them, on Proof being made upon Oath, of the Service of such Summons, in manner before directed, to proceed to hear the Cause on the Part of the Plaintiff or Plaintiffs only, and to make such Order, Decree or Judgment therein, and to award such Costs, as to them shall seem meet and consistent, with Justice, Equity, and good Conscience.

Plaintiff not
appearing,
or establish-
ing his Debt,
to be non-
sued.

And be it further enacted, That, if upon the Return of any Summons at any Court, or at any Adjournment of the said Court, the Plaintiff or Plaintiffs shall not appear, or appearing, shall not make Proof of his, her, or their Debt, or Demand, to the Satisfaction of the said Court; it shall be lawful for the said Commissioners, or any three or more of them, to award to the Defendant or Defendants such reasonable Costs, as they shall think proper; and to order and compel the Plaintiff or Plaintiffs to pay the same, by such Ways and Means as are by this Act provided for, enforcing the Payment of Debts and Costs, ordered and decreed by the said Court, to be paid.

Commission-
ers impow-
ered to ad-
minister

And for the better Discovery of the Truth, and the more solemn Determination of the several Causes and Matters which shall be depending, or arise in the said Court; Be it further enacted, That it shall be lawful for the

the said Commissioners, or any three or more of them, assembled in Court; and they are hereby authorized and impowered to administer, or cause to be administered in open Court, an Oath, to the Party or Parties, Plaintiff or Plaintiffs, Defendant or Defendants: And also, to such Witnesses or Witnesses, as shall be produced by either Party: And also, to the Officers of the Court, and to any other Person or Persons, whom the major Part of the Commissioners, so assembled, shall think proper, to be examined, and give Evidence before them; touching or concerning any Cause, Matter, or Thing, arising in such Court, or in anywise relating thereto: And, that in case any Person making Oath, or giving Evidence, in any Cause or Matter whatsoever, depending or arising in the said Court, shall commit wilful and corrupt Perjury, and be thereof duly convicted, according to the Laws or Statutes of the Realm; every such Person shall incur and suffer the like Pains and Penalties as any other Person convicted of wilful and corrupt Perjury, is or shall be subject or liable to by the Laws and Statutes of this Realm.

Oaths to the Parties and Witnesses.

Penalty on wilful Perjury.

And be it further enacted, That in any Case, where the said Commissioners, or any three or more of them, shall have made any Order or Decree for the Payment of Money; it shall be lawful for the said Commissioners, or any three or more of them, to award Execution at their Discretion, either against the Body or Goods of the Party against whom such Decree or Order shall be made: And thereupon it shall be lawful for the Clerk, or Deputy Clerk, to the said Court, at the Request of the Party or Parties, prosecuting such Order or Decree, to issue a Precept, under his Hand and Seal, to the Serjeant or Serjeants of the said Court; who, by virtue of any such Precept, issued upon the Execution awarded against the Body of such Party, shall and may, and is or are hereby impowered, and required to take and apprehend, or cause to be taken and apprehended, such Party, being within the Limits of this Act, and to convey him or her to the common Gaol of the said City, used for the Reception of Debtors only; there to remain, until he or she shall perform and obey such Order or Decree; so as no Person shall remain in Confinement, upon any such Execution, for any longer Time than one Calendar Month, nor less than seven Days: And such Imprisonment shall be deemed to be a full Discharge and Extinguishment of the said Debt and Costs: And such Serjeant or Serjeants, by Virtue of any such Precept issued upon the Execution, awarded against the Goods of any such Party, shall and may; and such Serjeant or Serjeants is, or are hereby impowered, to levy by Distress and Sale of the Goods of such Party, being within the Limits of this Act, such Sum and Sums of Money, and Costs, as shall be so ordered and decreed: And if the Party against whose Body or Goods, any such Execution shall be awarded, and such Process shall issue thereupon, shall, by absconding, or by secreting, or removing his or her Goods; or, by other Means prevent, or evade the Service or Effect of any such Execution, and Proof thereof shall be made to the said Commissioners, or any three or more of them, by the Oath of any Serjeant of the said Court, or of any other credible Witness; that then (but not otherwise) it shall be lawful for the said Commissioners, or any three or more of them, to award Execution at their Discretion, either against the Body or Goods of such Party, preventing or evading the Service

Commissioners may award Execution against Body or Goods.

or Effect of the Execution, as aforesaid, and Process shall issue thereupon, and be executed by the Serjeant or Serjeants, in Manner aforesaid, until the Party or Parties, at whose Suit such Execution shall be issued, shall be fully paid and satisfied.

Court may
order Debts
to be paid by
Installments.

Provided always; And be it further enacted, That in case the said Commissioners, or any three or more of them shall, at any time, upon the Request, and for the Ease and Convenience of the Defendant or Defendants, order and decree the Debt due to the Plaintiff or Plaintiffs, to be paid at several Payments; then, upon the first Default or Failure of any of the said Payments, so ordered and decreed, the said Commissioners, or any three or more of them, assembled in Court, shall and may, at the Instance of the Plaintiff or Plaintiffs, and upon due Proof of the said Default or Failure made of such Payment, to award Execution for the whole Debt, or such Part thereof, as shall then remain unpaid; together with such further Costs, as to them shall seem reasonable to be recovered by the same Process, and in like Manner as is herein before provided for Recovery of the Debt and Costs first decreed; the former Order or Decree to the contrary thereof, notwithstanding.

On Execu-
tion Clerks
to indorse
the Debts
and Costs.

In what
Cases Exe-
cution shall
be super-
seded.

And be it further enacted, That upon every Precept to be issued upon any Execution awarded against the Body or Goods of any Person whomsoever, the Clerk, or Deputy Clerk, who issues the same, shall express, and set down in Writing, the Sum or Sums of Money and Costs, so ordered and decreed to be paid: And, if the Party, against whom such Execution shall be awarded, shall, before any actual Sale of his or her Goods, or before he or she shall be taken and apprehended, or before the Expiration of the Term of his or her Imprisonment, pay or tender, or cause to be paid or tendered, unto the Clerk, or Deputy Clerk, of the Court, who shall issue such Precept, such Sum or Sums of Money, and Costs, together with One Shilling, as a Reward for his Trouble, in receiving and paying over such Debt and Costs to the Plaintiff or Plaintiffs, and entering Acknowledgment of Satisfaction in the Book or Register of the said Court for such Debt and Costs: And also the Sum of Two Shillings for Gaol Fees; (in case such Party shall have been committed to Prison) then, and in every such Case, the Execution shall be superseded, and the Body and Goods of such Party shall be discharged, and set at Liberty.

Commission-
ers may sus-
pend or su-
persede Pro-
ceedings,
where the
Defendant,
by Sicknefs
or Poverty
may be inca-
pable of at-
tending the
Court, or of
paying the
Debt.

Provided always; And be it further enacted, That in case it shall at any time, during the Pending of any Cause in the said Court, appear to the said Commissioners, or any three or more of them, upon Proof, by the Oath of any credible Witness, that the Defendant or Defendants therein shall, by Sicknefs, Poverty, or otherwise be rendered incapable of paying the Debt or Demand, for which such Cause shall have been instituted; that then the said Commissioners, or any three or more of them, shall, and may suspend or supersede the Proceedings in such Cause, until it shall, upon like Proof as aforesaid, appear to the Court, that such Defendant or Defendants shall be able to pay such Debt or Demand, in the Whole, or by separate Payments; and then to proceed again therein, in manner aforesaid: Any thing in this Act, to the contrary hereof, notwithstanding,

And

And be it further enacted, That, if the Serjeant or Serjeants of the said Court, who shall be employed to serve, or levy any Execution, in pursuance of this Act, shall by Connivance or wilful Neglect, cause, or suffer the Party, against whom such Execution shall be awarded, to escape or abscond, or the Goods of such Party, to be carried away or secreted, so as to prevent, hinder, or delay the due Effect of such Execution; it shall be lawful for the said Commissioners, or any three or more of them, upon Complaint, and due Proof thereof, upon the Oath of any credible Witness, to order such Serjeant or Serjeants to pay the Sum or Sums of Money, for which the said Execution was awarded, to the Party complaining; and to enforce the Payment thereof by the like Ways and Means, as are by this Act provided for the Payment of any Debts and Costs.

Serjeant suffering an Escape, &c. by Neglect, to pay Debts and Costs.

And be it further enacted, That the Keeper, for the Time being, of the said Gaol of the said City, shall, and is hereby required, to receive and take into his Custody, all and every Person and Persons who shall be committed, or ordered to stand committed by the said Commissioners, or any three or more of them, or by virtue of any Warrant, Attachment, Execution, or other Process, issued out of the said Court: And, in Case the Keeper of the said Gaol shall neglect, or refuse to receive, and take into his Custody, any Person, committed by Virtue of this Act, or shall discharge, or wilfully permit and suffer any Person, who shall be committed to his Custody, to go at large, without the Warrant, Order, or Authority of the said Commissioners, or any three or more of them, or of the Mayor, or any Justice of the Peace for the said City, in Manner herein-after-mentioned, for that Purpose: Every Keeper of the said Gaol offending, in any of the Cases afore-said, and being thereof convicted before the Mayor, or any of his Majesty's Justices of the Peace for the said City, either upon his own Confession, or upon the Oath of any credible Witness, (which Oath, the said Mayor, or Justice, is hereby authorized and empowered, to administer) shall forfeit and pay for every such Offence, any Sum, not exceeding Five Pounds, nor less than Forty Shillings, at the Discretion of such Mayor, or Justice; and such Sum shall be immediately paid by the Person so offending into the Hands of the Mayor, or Justice, before whom he shall be convicted; or, in Default of such Payment, the same shall, and may be levied by Distress and Sale of the Offenders Goods and Chattels, by Warrant, under the Hand and Seal of such Mayor, or Justice; and which Sum, when paid or levied, shall be applied, in the first Place, in Payment of the Debt and Costs, for which such Party shall have been committed; and afterwards, in like Manner, as any Fines or Penalties are herein after directed to be applied.

Gaolers to receive Persons committed.

And be it further enacted, That whenever any Person shall be committed to Prison, by Virtue of any Execution or Process, issued in pursuance of this Act for the Recovery of any Debt or Costs; the Person or Persons, at whose Suit such Execution or Process shall issue, shall pay and allow to the Person committed, the Sum of Three-pence a Day, for every Day he or she shall continue in Prison, upon the same Execution or Process, towards his or her Subsistence; the same to be paid to the Keeper of the said Gaol, or left at his House, for the Use of the Person so committed: And in Case any Default

Creditors to allow Three-pence a Day to Debtors while in Prison.

Default shall be made in the Payment of the said Sum of Three-pence a Day, for any one or more Day or Days, and due Proof, on Oath, of such Default, shall be made to the Satisfaction of the said Mayor, or any Justice of the Peace, for the said City of *Rochester* (who are hereby respectively authorized and impowered to administer such Oath;) that then it shall be lawful for the said Mayor, or Justice, to order and direct such Prisoner to be forthwith set at Liberty: And such Person shall thereupon be discharged from the Payment of the Money for which he or she shall have been so committed.

Penalty on
not obeying
a Subpœna.

And be it further enacted, That in case any Person residing within the Limits of this Act, shall be duly served with a Subpœna, to be issued by the Clerk, or Deputy Clerk, of the said Court (and which he is hereby authorized and required to issue to any Person applying for the same) requiring the Person so served, to appear in the said Court, to give Evidence on Behalf of any Plaintiff or Defendant, at a certain Time, at the Distance of four Days at the least, from the Time of serving such Subpœna: And shall neglect or refuse to appear, pursuant to such Subpœna, and Proof, upon Oath, shall be made of the Service thereof, and no Cause of Absence be shewn or assigned to the Satisfaction of the said Commissioners, or any three or more of them; and if Oath shall be made before the said Commissioners, or any three or more of them, that the Person served with a Subpœna, was a material Witness for the Party, at whose Instance such Subpœna shall have been issued; or if any Person appearing in Court, pursuant to any such Subpœna, shall refuse to be examined, or give Evidence in the Cause, upon which he shall have been served with such Subpœna; that then it shall be lawful for the said Commissioners, or any three or more of them, to impose a Fine on such Person, not exceeding Four Shillings to be levied, and recovered (if not paid on Demand) as any Debt or Costs, ordered and decreed to be paid in pursuance of this Act, can, or may be levied, and recovered: And in Default thereof, the said Commissioners, or any three or more of them, may, by Warrant, under their Hands and Seals, commit or cause to be committed such Person to the said Gaol, for any Time not exceeding Two Days.

Fees to the
Officers.

And be it further enacted, That the several Fees herein after-mentioned, and no other, shall be taken by the Clerk and Serjeants, for their respective Services in the Execution of this Act: And also, by the Keeper of the said Gaol; that is to say,

FEES to be taken by the CLERK.

Table of Fees		s. d.	
		s.	d.
	For entering every Cause	-	0 2
	For issuing every Summons	-	0 4
	For every Hearing or Trial	-	0 2
	For swearing every Witness, Plaintiff or Defendant	-	0 2
	For every Nonsuit, and entering the same	-	0 10
	For every Attachment for the Defendant's not appearing	-	0 10
	For every Execution	-	1 0
	For every Acknowledgment of Satisfaction	-	0 6
	For every Subpœna	-	0 3.

For

			s.	d.
For the Payment of Money into Court	-	-	0	6
For every Order	-	-	0	3
For entering thereof	-	-	0	3
For every Warrant of Commitment	-	-	0	6
For searching the Books	-	-	0	2

By the S E R J E A N T S.

For serving every Summons or Subpoena	-	0	4
For calling every Witness before the Court	-	0	1
For calling the Plaintiff and Defendant before the Court	-	0	2
For every Execution against Body or Goods	-	1	0
For every Commitment for Insults or Misbehaviour in the Court	1	0	

By the G A O L E R.

For every Commitment	-	-	2	0
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A Copy of which Table of Fees shall be hung up by the said Clerk in some conspicuous Place within the said Court, so as all Persons concerned may easily peruse and examine the same.

to be hung
up in the
Court-house.

Provided always, That no greater Sum shall be demanded, taken, or received for the Fees, payable upon any Cause, which shall be heard and determined in the said Court, than Six Shillings and Eleven Pence by the said Clerk, and Three Shillings and Eleven Pence by the said Serjeants; notwithstanding the Fees payable upon the Proceedings in such Cause may, according to the above Table of Fees, amount to more than the said respective Sums.

Whole Fees
in any Cause
limited.

And be it further enacted, That if the said Clerk, Deputy Clerk, or either of the said Serjeants, or the said Gaoler, shall demand, take, or receive any greater Fees or Rewards, than as before-mentioned, for his Trouble and Services: And being thereof convicted upon the Oath of any credible Witness, before the said Commissioners, or any three or more of them: Every Person offending herein shall, for every such Offence, forfeit and pay such Fine, not exceeding Five Pounds, nor less than Forty Shillings, as the said Commissioners, or any three or more of them, shall order, assess, and impose, the same to be applied either to the Relief of such Debtor or Debtors, who shall be then, or at any Time after, by Virtue of this Act, committed to the said Gaol, in such Manner, as the said Commissioners, or any three or more of them, shall order and direct, or otherwise to be paid to the Overseers of the Poor of the Parish, wherein the Person paying such Fine shall, at the Time of his Conviction reside, for the Use of the Poor of the same Parish, at the Discretion of the said Commissioners, who shall impose such Fine; the same to be levied, and recovered (if not paid on Demand) in like Manner as any Debt or Costs, can, or may be levied or recovered, by Virtue of this Act: And such Offence, shall also be deemed a Misbehaviour in such Officer,

Penalty on
Officers tak-
ing greater
Fees.

E

And

Fees to De-
puty Clerk
ascertained.

And in order to make Satisfaction to the Deputy Clerk of the said Court, so to be appointed as aforesaid, for his Trouble and Services in the Execution of this Act; **Be it further Enacted**, that whenever the said Deputy Clerk shall attend the said Court in the Stead or Absence of the Clerk, the said Deputy Clerk shall be intitled to, and shall have and receive one half part of the Fees payable, by Virtue of this Act, to the Clerk of the said Court, for all the Business which shall be done and transacted in the said Court, upon all such Days as the said Deputy Clerk shall so attend, and the other half part of the said Fees shall be paid to the said Clerk. **Provided always**, that in Case the Clerk to the said Court shall pay to the Deputy Clerk, the Sum of Thirteen Shillings and Four Pence upon any Court-Day, previous to the Sitting of the Court, for his Trouble in attending the Court in the Stead or Absence of the said Clerk upon that Day; then the same shall be accepted by the Deputy Clerk, in full for such his Attendance, and the Clerk shall be intitled to, and shall be paid the Whole of the Fees payable by Virtue of this Act, to the Clerk for the Business which shall on that Day be done and transacted in the said Court, and upon every other Day, on which the said Sum of Thirteen Shillings and Four Pence shall have been paid as aforesaid; any thing herein before contained, to the contrary hereof, notwithstanding.

No Com-
missioner or
Officer to act
where inte-
rested, or
who shall sell
Ale, &c.
No Attorney
to be a Com-
missioner, or
intitled to
any Privi-
leges in this
Court, or
employed as
Advocates.

Provided always; and be it further Enacted, and Declared, that no Person shall be capable of acting as a Commissioner, or as a Clerk, Deputy Clerk, or Serjeant, in pursuance of this Act, in any Case where he shall be concerned in Interest, or who shall keep any Victualling House, or other House of public Entertainment, or shall sell Ale, Wine, Cyder, or Spirituous Liquors, by Retail. And that no Attorney at Law, or Solicitor, shall be capable of acting as a Commissioner in the Execution of this Act, unless he shall be the Mayor, or one of the Aldermen, or Assistants, of the said City; and that no Attorney at Law, or Solicitor, appearing in the said Court, shall be allowed to plead or maintain any Privilege against the Process, Authority, Jurisdiction, or Judgment thereof; nor shall any Attorney at Law, or Solicitor, be admitted to appear in the said Court, as Attorney or Advocate on the Behalf of any Plaintiff or Defendant, to speak in any Cause or Matter before the said Court, in which such Attorney, or Solicitor, is not himself a Party or Witness.

Persons in-
sulting the
Court to be
fined.

And for better enforcing the Orders and Decrees of the said Commissioners, and for preventing Insult and Abuse in the said Court; **Be it further Enacted**, that if any Person shall affront, insult, or abuse the said Commissioners, or any of them, or any of their Officers in the said Court, or in Execution of their respective Offices, or shall interrupt or disturb any of the Proceedings of the said Court, or shall obstruct, hinder, or prevent the Execution of any Process thereof; it shall be lawful for the said Commissioners, or any three or more of them, to cause a Warrant to be issued by the Clerk, or Deputy Clerk, of the said Court, directing the Serjeant or Serjeants of the said Court to apprehend the Person so offending, and to take him before the said Mayor or any Justice of the Peace for the said City; and such Mayor or Justice is hereby empowered, upon the Offence alledged against such Person, being proved by the Oath of any credible Witness, to impose any

any Fine, not exceeding Twenty Shillings on the Person so offending, which Fine shall be immediately paid into the Hands of the said Mayor or Justice, and shall be paid by him to the Overseers of the Poor of the Parish, wherein the Person committing the said Offence shall reside, to be applied for the Use of the Poor of the same Parish. And in Case the Person who shall have committed such Offence shall not pay such Fine as aforesaid; it shall be lawful for such Mayor or Justice, by Warrant under his Hand and Seal, to commit such Offender to the said Gaol, there to remain for any Time not exceeding three Days, or until he or she shall have paid the said Fine.

And be it further enacted, that the Clerk, or Deputy Clerk, of the said Court, shall cause a Copy of the last preceding Clause, to be hung up on some conspicuous Part of the said Court, to the Intent, that no Person may plead Ignorance of the Purport thereof.

Copy of foregoing Clause to be hung up in the Court.

Provided always; and be it further enacted, and declared, that no Action or Suit for any Debt, not amounting to Forty Shillings, and being upwards of Two Shillings, and recoverable by Virtue of this Act in the said Court of Requests, shall be brought against any Person residing or inhabiting within the Jurisdiction thereof, in any of his Majesty's Courts of Record at Westminster, or elsewhere, or in any Courts whatsoever, other than the said Court of Requests, and the Court Portmote hereinafter mentioned. And that no Suit which shall be commenced in the said Court of Requests, in pursuance of this Act, nor any Proceedings which shall be had therein, shall or may be removed or removeable by *Certiorari*, or otherwise, into any other Court whatsoever. But that the Judgment, Decrees, and Proceedings of the said Court of Requests, shall be final and conclusive to all Intents and Purposes.

No Debt under Forty Shillings, and upwards of Two Shillings to be sued for in any other Court.

And whereas the Mayor and Citizens of the said City of Rochester, are, by Virtue of a Charter granted to them, in the fifth Year of the Reign of King Charles the First, authorised and impowered within his Majesty's Courts Portmote of the said City, to hold Pleas real, personal and mixt, within the said City, and the Liberty and Precinct thereof: Be it therefore enacted, by the Authority aforesaid, that nothing in this Act contained shall extend to affect, lessen, or take away any of the Rights, Privileges, Franchises, Liberties, Powers, or Jurisdictions of the said Court Portmote; but that the same, and all other the Rights and Privileges of the said Mayor and Citizens, shall remain and continue in as full and ample Manner, to all Intents and Purposes, as if this Act had not been made.

Saving the Rights of the Court Portmote of Rochester.

And be it further enacted, By the Authority aforesaid, that nothing in this Act contained, shall extend to prevent or hinder the holding of any Courts of Justice, or transacting any other public Business of the said City, within the Guildhall, or any other Places appointed, or to be appointed, within the said City, for the holding of such Courts of Justice, or transacting any public Business within the same.

Court not to interrupt or hinder the transacting the public Business of the City in the Guildhall

And be it further enacted, that no Action or Suit shall be brought or commenced against any of the said Commissioners, or any other Person or Persons,

Limitation of Actions

Persons, for any thing done in pursuance of this Act, until twenty one Days, previous Notice thereof shall have been given to, or left at the usual Place of Abode of the Person or Persons against whom such Action or Suit shall be intended to be brought, thereby setting forth the particular Cause of Action, or after tender of sufficient Amends shall have been made to the Party aggrieved, or unless such Action or Suit shall be commenced within forty Days next after the Cause of Action shall have arisen, and be laid in the County of *Kent*, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall, and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act. And if the same shall appear to have been so done, or if any such Action or Suit shall be brought before the Expiration of twenty-one Days next after such Notice shall have been given as aforesaid, or after tender of sufficient Amends shall have been made to the Party or Parties aggrieved, or after the Time before-limited for bringing the same, or shall be laid in any other Place than the County of *Kent*; then, and in either or any of the said Cases, the Jury shall find for the Defendant or Defendants, and upon such Verdict; or if the Plaintiff or Plaintiffs shall be non-suited or suffer a Discontinuance of his or their Action or Suit, after the Defendant or Defendants shall have appeared; or if upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have treble Costs, and shall have such Remedy for the same, as any Defendant hath for Costs of Suit in other Cases by Law.

Provided always, that no Plaintiff in any Action or Suit, which shall be brought for any thing done in pursuance of this Act as aforesaid, shall be permitted to produce Evidence of any other Cause of Action, than such as shall be set forth in the Notice to be given as aforesaid, or shall recover any Verdict against the Defendant or Defendants in such Action or Suit, unless such Plaintiff shall prove on the Trial, that such Notice was given as aforesaid: And in Default of such Proof, the Defendant or Defendants shall recover a Verdict and Costs as before-mentioned. And that in Case any Person against whom any such Action or Suit shall be brought, shall have neglected to tender Amends, or shall have tendered insufficient Amends before the Action or Suit shall be commenced; it shall be lawful for him, by Leave of the Court, wherein such Action or Suit shall be depending, at any time before Issue joined, to pay into Court such Sum of Money as he shall think proper, whereupon such Proceeding, Order, and Judgment shall be had, made, and given in and by such Court, as in other Cases where Defendants are allowed to pay Money into Court.

Public Act. And be it further enacted, that this Act shall be adjudged, deemed, and taken to be a public Act; and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

A N

A C T

For the more Easy and Speedy Recovery of
Small Debts, within the City of *London*,
and the Parishes of *Strood*, *Frinds-*
bury, *Cobham*, *Shorne*, *Hickam*, *Giffes*,
Cooling, *High Hallow*, *Crook*, *Fou*, *Bar-*
ham, *Woultham*, *Halling*, *Cuxstone*, *Chat-*
ham, and *Gillingham*, and the Ville of
Sherborne, in the County of *KENT*.

